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Responsive to 18 November 2004 Office Action

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REMARKS

This Amendment is responsive to the Office Action identified above, and is further responsive in any other manner indicated below.

FORM PTO-1449 LISTING REFERENCES PREVIOUSLY SUBMITTED IN THE APPLICATION

Submitted herewith under separate cover letter is a Form PTO-1449 listing reference(s) of record previously submitted within the application, for Examiner initialing to make such art of record in the present application.

DRAWING OBJECTIONS - TRAVERSED AS NOT ADMITTED "PRIOR ART"

The section numbered "2" on page 3 of the Office Action objects to the drawings, and the §103 rejections (discussed ahead) make statements alleging that certain ones of Applicant's Figs. should be labeled as, and are, "Prior Art." Traversal is appropriate, because such FIGS. are not admitted prior art (i.e., published), and instead are simply background description provided by Applicant to aid in an understanding of the present invention. Applicant does not make any admissions with respect to these FIGS as to prior art. If the objection is maintained in any next action, Applicant respectfully requests that the Examiner cite prior art references (outside Applicant's disclosure) to meet his/her burden to show that such arrangement definitively are "Prior Art."

Based upon the foregoing, reconsideration and withdrawal of the above-referenced objection to the drawings are respectfully requested. If FIG. labeling becomes the only issue barring allowance of the application, Applicant may

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be agreeable to label appropriate FIG. as "Background," and in such situation, the Examiner is invited to telephone the undersigned at the local D.C. area number of 703-312-6600 in order to discuss the same.

DRAWING OBJECTIONS - SPECIFICATION ADJUSTED

Item 3 on page 3 of the Office Action objects to ones of the drawings as not including references numbers used in the specification for their description, *i.e.*, Figs. 2 and 9. Applicant has reviewed the specification and drawings, and has amended the description of the figures where appropriate to identify placement of the reference numerals in the drawings or correct typographical errors in the reference identifications. As such amendments are believed to obviate all the listed concerns, reconsideration and withdrawal of such objections to the drawings are respectfully requested.

Additionally, Item 4 on page 4 of the Office Action objects to ones of the drawings because reference numerals in the figures are not present within the detailed description of the drawings in the specification. Applicant has reviewed the specification and drawings, and has amended the description of the figures where appropriate to include identification of the reference numerals within the description of the figure or within a related description. As such amendments are believed to obviate all the listed concerns, reconsideration and withdrawal of such objections to the drawings are respectfully requested.

Finally, Item 5 spanning pages 4 and 5 of the Office Action object to the drawings for not showing every feature of the claimed invention, *i.e.*, for not showing the "elastic member deformed" in Claim 6. Claim 6 has been cancelled herein

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(without prejudice or disclaimer), and such amendment obviates the listed concern, reconsideration and withdrawal of such objection to the drawings are respectfully requested.

Any further informality noted within the figures or the detailed description during further review of the disclosure and/or drawings will be appropriately corrected at that time.

PENDING CLAIMS

Claims 1-14 were pending in the application, under consideration and subject to examination at the time of the Office Action. Unrelated to any prior art, scope or rejection, appropriate Claims have been amended, added or deleted in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, the amendments to the claims are unrelated to any prior art or scope adjustment, and are simply clarified claims in which Applicant is presently interested. At entry of this paper, Claims 1, 3-5 and 7-25 are now pending in the application for consideration and examination.

REJECTION(S) UNDER 35 USC §103

All 35 USC §103 rejections are respectfully traversed. Such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

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All descriptions of Applicant's disclosed and claimed invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated herein by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

Unrelated to any prior art rejection, Claims 2 and 6 have now been canceled without prejudice or disclaimer, thus rendering this rejection of such claims obsolete at this time. Patentability of remaining ones of the rejected claims are supported as follows.

Applicant's disclosed and claim invention is directed toward improvements in background head arrangements having a heat element and write element as mutually differing components from one another and distanced from one another on a magnetic head slider (e.g., FIGS. 1A-1B), and where an actuator moves the magnetic head along a circular-arc in a radial direction of a magnetic disk (e.g., FIG. 3). Applicant found that in such background arrangements, that a heat element and write element would not remain co-aligned onto a same track as the magnetic head was swung through the circular arc. For example, if the heat element and write element were co-aligned onto a same track while the head was at a middle position on the circular arc, they would be miss-aligned onto differing tracks at either end of the circular arc. Applicant found that enhancement could be achieved through dynamic realignment.

More particularly, in terms of claim language, Applicant's independent claim 1, for example, recites "a realigning mechanism that moves a position of the area

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heated by said heat element in a width direction of said slider, to dynamically realign the area heated onto a same track as the write element." Using FIG. 1B as a corresponding illustrative example, the realigning mechanism 5 can be used to move a position of the area heated by the heat element 4 to realign with the write element 3, i.e., the dashed "—" centerline could represent a track such that the effective heated area and the write element are co-aligned onto that track. FIG. 16B is another illustrative example using a plurality of heat element 163 to selectably "move" an effective heated area.

Applicant's Independent claim 3 moves the write element (as opposed to the heated area), i.e., such claim recites "a realigning mechanism that moves a position of the write element in a width direction of said slider, to dynamically realign the write head onto a same track as the area heated by the heat element." FIG. 21B is an illustrative example using a plurality of write elements 212 to selectively move the effective write area to co-align with the heat element 213 onto a same track.

Applicant's independent claim 23 more broadly recited that at least one (i.e., maybe both) of the heat element and write element move, i.e., recites "a realigning mechanism that moves at least one of a position of the area heated by said heat element and the write element in a width direction of said slider, to dynamically realign the area heated onto a same track as the write element during a write operation."

Turning now to rebuttal/preclusion of alleged "admitted prior art" part of the rejection, as explained previously, Applicant's FIGS. are not admitted prior art (i.e., published), and instead are simply background description provided by Applicant to aid in an understanding of the present invention. Office Action comments are

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attempting to mischaracterize/utilize Applicant's own teachings against Applicant, in an improper hindsight attempt to "[use] that which the inventor taught against its teacher."

The Office Action's attempt to then combine the teachings of Boutaghou *et al.* are even further evidence improper hindsight reconstruction. More particularly, while Applicant's alleged "admitted prior art" (i.e., Applicant's background approach) uses a heat element and write element as mutually differing components from one another and distanced from one another on a magnetic head slider (e.g., FIGS. 1A-1B), Boutaghou *et al.* is directed to a differing arrangement of an optical arrangement (lens, lens base, etc) which is commonly used to heat/write data to a disc 30. Since Boutaghou *et al.*'s "heater/writer" is one-in-the-same, they are not "mutually differing components distanced from one another" and accordingly, the heater/writer misalignment problem cannot occur within this reference.

Further, while Boutaghou *et al.* might be moving a focal point to a selected track, Boutaghou *et al.* is NOT co-aligning two head elements (e.g., a heater and separate writer) onto a common track. There is uncertainty/doubt as to whether the Boutaghou *et al.* arrangement would even have the range to co-aligning two head elements onto a common track even if it were used like Applicant's invention.

As a result of the foregoing, it is respectfully submitted that only the Boutaghou *et al.* reference is actually prior art., and even if Applicant's alleged "admitted prior art" was (assuming *arguendo*) prior art, combination thereof would not suggest Applicant's invention. More particularly, such art would be considered by one skilled in the art to be sufficiently different from one another so as to be discarded as incompatible or not suggesting anything. It is respectfully submitted

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that the idea to dynamically re-align two head components onto a same track comes from Applicant's disclosure, and not the alleged art.

In addition to the foregoing, the following additional remarks from Applicant's foreign representative are also submitted in support of traversal of the rejection and patentability of Applicant's claims.

In the magnetic disk apparatus of this invention, a write element of a magnetic head is fixed to a slider, and an offsetting mechanism is a heat area offsetting mechanism to move the area heated by the heat element in the width direction of the slider.

One of the main features of this invention is that a heat element of a magnetic head is fixed to a slider, and an offsetting mechanism is a write element offsetting mechanism to move the write element in this width direction of the slider.

As the center line of the heat element can be accurately brought into correspondence with that of the write element, the storage capacity of the thermal assisted type magnetic disk apparatus can be greatly increased. Such novel feature is supported throughout the application as filed, *e.g.*, at page 15, line 12 through page 16, line 3, and page 16, line 24 through page 17, line 14.

Technology for moving a lens-portion only by mounting a microactuator to the lens portion of an optical head in an optical disk drive appears to be disclosed by Boutaghou *et al.* In Boutaghou *et al.*, the lens is used as both a write element and a heat element. Compared to the present invention, Boutaghou *et al.* discloses merely the technology for moving a write element and a heat element (the same element) at the same time.

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On the contrary, in the present invention, as one of a write element or a heat element is fixed in the slider (e.g., claims 24 and 25), and the other one is to be moveable (that is, each element is independent), the center line of the heat element can be accurately brought into correspondence with that of the write element. There is no suggestion or disclosure of such technology in Boutaghou *et al.*

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a §103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such §103 rejection, and express written allowance of all of the §103 rejected claims, are respectfully requested.

RESERVATION OF RIGHTS

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer of any scope or subject matter. Further, Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, *i.e.*, Applicant continues (indefinitely) to maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

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EXAMINER INVITED TO TELEPHONE

The Examiner is invited to telephone the undersigned at the local D.C. area number 703-312-6600, to discuss an Examiner's Amendment or other suggested action for accelerating prosecution and moving the present application to allowance.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are in condition for allowance. Accordingly, early allowance of such claims is respectfully requested.

A Petition for Extension of Time to the 18 November 2004 Office Action is submitted concurrently with this Amendment. To whatever other extent is actually necessary, Applicant respectfully petitions the Commissioner for an extension of time under 37 CFR §1.136. A Form PTO-2038 authorizing payment of the requisite Petition and additional claims fees required for entry of this paper also is being submitted concurrently herewith. Please charge any actual deficiencies in required fees to ATS&K Deposit Account No. 01-2135 (as Case No. 520.43013X00).

Respectfully submitted,



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